In re Patent Application of

FRATER et al.

Atty. Ref.: 4398-169

Serial No. 09/885,445

TC/A.U.: 3743

Filed: June 21, 2001

Examiner: K. Odland

Allowed: October 4, 2004

Confirmation No.: 2733

For: MASK WITH GUSSET

January 4, 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
 - Contingent Request to Treat Under 37 C.F.R. § 1.97(c) In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the

undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)
In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my

knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance. I hereby state that each item of information contained in this a. Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose. | | Patent Term Adjustment a.1. I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d). b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this

Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). c. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p). 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i). I hereby state that each item of information contained in this a. Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). a.1. Patent Term Adjustment I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d). I hereby state that no item of information in this Information b. Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

| 4. | Relevance of the non-English language document(s) is discussed in the |
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| present specia | fication. |
| 5. | The document(s) was/were cited in a corresponding foreign application. |
| An English la | anguage version of the foreign search report or official action is attached for |
| the Examiner | 's information. See MPEP § 609. |
| | a. U.S. Patent No. is indicated in the foreign search report or |
| | Official Action as being in the same patent family and/or the English- |
| | language equivalent of listed on the attached foreign search report. |
| 6. | A concise explanation of the relevance of the non-English language |
| document(s) | appears below: |
| 7. | Copies of the documents were cited by or submitted to the Office in |
| Application N | No., filed, which is relied upon for an earlier filing date under |
| 35 U.S.C. § 1 | 20. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). |
| 8. | The publication date (e.g., month or year) of at least one of the listed |
| documents is | not available. For each document in this category, the Office is requested |
| to assume tha | at the year of publication of each listed document is earlier than the effective |
| U.S. filing da | te and/or any foreign priority date. |
| 9. | The publication date of at least one document is listed on the attached |
| PTO-1449 ba | ased on information presently available to the undersigned. However, each |
| listed publica | ation date should not be construed as an admission that the information was |
| actually publ | ished on the date indicated, and the right to challenge each listed publication |
| date is expres | ssly reserved by Applicant(s). |
| It is re | spectfully requested that the Examiner initial and return a copy of the |
| enclosed PTC | D-1449, and to indicate in the official file wrapper of this patent application |
| that the docu | ments have been considered. |

FRATER et al. Serial No. 09/885,445

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-169.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

Paul T. Bowen Reg. No. 38,009

PTB:jck

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000 Facsimile: (703) 816-4100

| INFORMATION PISCEOSURE | ATTY. DOCKET NO. | SERIAL NO. |
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| CITATION | 4398-169 | 09/885,445 |
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

In re Patent Application of

FRATER et al.

Atty. Ref.: 4398-169

Serial No. 09/885,445

TC/A.U.: 3743

Filed: June 21, 2001

Examiner: K. Odland

For: MASK WITH GUSSET

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January 4, 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONSIDERATION OF REFERENCES CITED

Applicants request consideration of the references cited on Form PTO-1449 filed September 30, 2003, and an indication of such consideration by returning a copy of Form PTO-1449, initialed by the Examiner, to Applicants' undersigned representative. A copy of the Form PTO-1449 and date stamped receipt for same is attached for the Examiner's convenience.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

Paul T. Bowen Reg. No. 38,009

PTB:jck

Attachments:

Form PTO-1449

Date Stamped Receipt

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100



Serial No.: 09/885,445 Inventor/s: FRATER et al.

Title: MASK WITH GUSSET

C#/M#: 4398-169 Atty: Paul T. Bowen Date: Sep. 30, 03

Date: Sep. 30, 03

Address Indication Form

\$ Fee (Check) - **Pre-Bill** \$180.00 Fee (Check) - Non Pre-Bill \$180.00 Total Fee Enclosed

Other: Information Disclosure Statement w/ Form PTO-1449, Refs(2)



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